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PATENT #3

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re U.S. Patent Application of: :
Jon N. LEONARD *et alii* : Examiner: Unassigned
Serial Number: 09/390,363 : Group Art Unit 2766
Filed: 7 September 1999 : Atty. Dkt. BEU/LEONARD
: **ATTENTION: BOX MISSING PARTS**

For: SYSTEM AND METHOD FOR ENABLING THE ORIGINATOR OF AN
ELECTRONIC MAIL MESSAGE TO PRESET AN EXPIRATION TIME,...

RESPONSE TO NOTICE OF MISSING PARTS AND REQUEST FOR CORRECTED FILING RECEIPT

Honorable Assistant Commissioner For Patents
Washington, D.C. 20231

Sir:

Attached hereto is a copy of a Notice to Missing Parts of Application
mailed 22 September 1999 for the above-identified U.S. patent application.

In response to the Notice, Applicants submit the following:

1. Six (6) copies of an Inventor Declaration executed by all inventors;
2. Four (4) Individual Inventor Small Entity Statements executed by Applicants ANDERER, RITZ, BERSTEIN and SCHENA;
3. Two (2) Assignments (with separate Recordation Cover Letters and check in the amount of \$80), executed by Applicants LEONARD and SEAMAN to POOFAWAY.COM, INC.
4. One (1) Business Small Entity Statement executed by Applicant LEONARD as authorized signatory of Assignee POOFAWAY.COM, INC.

It is therefore submitted that small entity status has been properly
established in the present application.

An error appearing in the official Filing Receipt issued for this application,
a copy of which is attached showing the error in red ink, indicates that there are

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LEONARD *et alii*, Serial No. 09/390,363

8 independent claims in the present application. Applicants courteously point out that only claims 1, 18, 34, 41 and 46 are independent, for a total of 6 independent claims. The error in the Filing Receipt is repeated in the Notice, as indicated on the attached copy. Therefore, Applicants submit that the attached check in the amount of \$452 in payment of the late Declaration filing surcharge (\$65); 30 additional claims over 20 (\$270); and 3 additional independent claims over 3 (\$117), is proper.

Applicants respectfully request a corrected Filing Receipt be issued to indicate the correct number of independent claims.

It is submitted that all formalities regarding the present application are met by the attached submissions, including the required fees. However, if any other fees are properly necessitated by the filing of this Response, please charge same to B&T Deposit Account No. 02-0200.

Respectfully submitted,
BACON & THOMAS, PLLC

A handwritten signature in dark ink, appearing to read 'By E. Urcia', with a long horizontal flourish extending to the right.

By: BENJAMIN E. URCIA
Registration No. 33,805

Date: 19 November 1999

BACON & THOMAS, PLLC
625 Slaters Lane, 4th Floor
Alexandria, Virginia 22314

Telephone 703-683-0500
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UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

#3

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO./TITLE
09/390,363	09/07/99	LEONARD	J BEU/LEONARD

0212/0922

BACON & THOMAS
625 SLATERS LANE 4TH FLOOR
ALEXANDRIA VA 22314-1176

NOT ASSIGNED

2766

DATE MAILED:

09/22/99

NOTICE TO FILE MISSING PARTS OF APPLICATION
Filing Date Granted

An Application Number and Filing Date have been assigned to this application. The items indicated below, however, are missing. Applicant is given **TWO MONTHS FROM THE DATE OF THIS NOTICE** within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a). If any of items 1 or 3 through 5 are indicated as missing, the **SURCHARGE** set forth in 37 CFR 1.16(e) of ☐ \$65.00 for a small entity in compliance with 37 CFR 1.27, or ☒ \$130.00 for a non-small entity, must also be timely submitted in reply to this NOTICE to avoid abandonment.

If all required items on this form are filed within the period set above, the total amount owed by applicant as a ☐ small entity (statement filed) ☒ non-small entity is \$ 1820.

☒ 1. The statutory basic filing fee is:

- ☒ missing
☐ insufficient

Applicant must submit \$ 760 to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).

☒ 2. The following additional claims fees are due:

\$ 540 for 30 total claims over 20.
\$ 760 for 5 independent claims over 3.
\$ _____ for multiple dependent claim surcharge.

Applicant must either submit the additional claim fees or cancel additional claims for which fees are due.

☒ 3. The oath or declaration:

- ☒ is missing or unsigned
☐ does not cover the newly submitted items.

An oath or declaration in compliance with 37 CFR 1.63, including residence information and identifying the application by the above Application Number and Filing Date is required.

☒ 4. The signature(s) to the oath or declaration is/are by a person other than inventor or person qualified under 37 CFR 1.42, 1.43 or 1.47.

A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.

☐ 5. The signature of the following joint inventor(s) is missing from the oath or declaration:

An oath or declaration in compliance with 37 CFR 1.63 listing the names of all inventors and signed by the omitted inventor(s), identifying this application by the above Application Number and Filing Date, is required.

☐ 6. A \$50.00 processing fee is required since your check was returned without payment (37 CFR 1.21(m)).

☐ 7. Your filing receipt was mailed in error because your check was returned without payment.

☐ 8. The application was filed in a language other than English.

Applicant must file a verified English translation of the application, the \$130.00 set forth in 37 CFR 1.17(k), unless previously submitted, and a statement that the translation is accurate (37 CFR 1.52(d)).

☐ 9. OTHER:

Direct the reply and any questions about this notice to "Attention: Box Missing Parts".

A copy of this notice MUST be returned with the reply.

Custom Service Center
Initial Patent Examination Division (703) 308-1202

BEST AVAILABLE COPY

11/02/1999 MARSHALL 00000056 09390363
01 P:205
02 P:203
03 P:202
65.00
270.00
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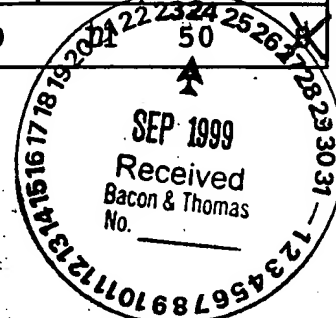
FILING RECEIPT



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY AND COMMISSIONER
OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTORNEY DOCKET NO.	DRWGS	TOT CL	IND CL
09/390,363	09/07/99	2766	\$0.00	BEU/LEONARD		50	

BACON & THOMAS
625 SLATERS LANE 4TH FLOOR
ALEXANDRIA VA 22314-1176



Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts of Application" ("Missing Parts Notice") in this application, please submit any corrections to this Filing Receipt with your reply to the "Missing Parts Notice." When the PTO processes the reply to the "Missing Parts Notice," the PTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s) JON N. LEONARD, TUCSON, AZ; CHARLES H. SEAMAN, RICHMOND, CA; MICHAEL ANDERER, SALT LAKE CITY, UT; PETER B. RITZ, MEADOWBROOK, PA; MICHAEL BERNSTEIN, TUCSON, AZ; ROBERT J. SCHENA, WAYNE, PA.

IF REQUIRED, FOREIGN FILING LICENSE GRANTED 09/22/99

TITLE

SYSTEM AND METHOD FOR ENABLING THE ORIGINATOR OF AN ELETRONIC MAIL MESSAGE TO PRESET AN EXPIRATION TIME, DATE, AND/OR EVENT, AND TO CONTROL PROCESSING OR HANDLING BY A RECIPIENT

PRELIMINARY CLASS: 380

DATA ENTRY BY: GENTRY, CHRISTINE TEAM: 01 DATE: 09/22/99

(See reverse for new important information)